XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

25

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL (C) NO.999/2007

APPELLANT / CLAIMANT	1. Mardam Singh Kunjam S/o Mansha Ram Kunjam, aged 55 years, R/o Village Dhanesara, Tahsil Narharpur, District North Bastar, Kanker (C.G.)
	2. Smt. Maanki Kunjam, W/o Mardan Singh Kunjam (since dead on 1.6.2007).

Versus

RESPONDENTS (NON-APPLICANTS)	1. Narsingh Korram S/o Bali ram Korram; aged about 42 years; resident of Puriyara, Tahsil Narharpur; District North Bastar, Kanker (C.G.) "DRIVER".
	2. Rajkumar Netam, S/o Bihari Ram Netam; aged about 47 years; Caste Gond; Resident of Bevarti, Tahsil/District Kanker (C.G.) "OWNER"
	3. National Insurance Company Limited, above Central Bank Near Office of R.M.S. Jagdalpur, District Bastar (C.G.)

Misc. Appeal under Section 173 of the Motor Vehicles Act, 1988

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

मामला क्रमांक MA(C) - 999/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Appearance:

Shri R.N. Jha, Counsel for the appellants.

Shri Shree Kumar Agrawal with Shri Anand Pandey, Counsel for respondent No.3.

D.B-: HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA,J.

ORAL ORDER
(25.09.2007)

L.C.Bhadoo, J.

Heard.

The claimants have preferred this appeal under Section 173 of the Motor Vehicles Act 1988, being aggrieved by the award dated 2.5.2007 passed by the Additional Motor Accident Claims Tribunal in Claim Case No.11/2007, whereby, the learned Tribunal after assessing the loss of dependency to the tune of Rs.53,216/- per annum and applying multiplier of 8, assessed total loss of dependency to the tune of Rs.4,25,728/-. Over and above, the Tribunal also awarded Rs.2000/- under the head of funeral expenses, Rs.5000/- for love and affection and Rs.2500/- for loss of estate. Thus, a total sum of Rs.4,35,228/- has been awarded in all. Apart from the above, 9% interest has been granted from the date of filing of the application and Rs.300/- as the cost.

Office report shows that there is delay of 2 days in filing this appeal.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

मामला क्रमांक MA(C)-999/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Heard I.A. No.01 filed on behalf of the claimant/appellant under Section 5 of the Limitation Act for condonation of delay. Having heard learned counsel for the appellant, for the reasons mentioned in the application, I.A. No.01 is allowed. Delay is condoned. Shri Jha argued that in this case looking to the age of the parents of the deceased i.e. 55 years of claimant /father namely Mardam Singh Kunjam and 50 years of the mother namely Smt. Maanki Kunjam, learned Tribunal ought to have applied multiplier of 12 instead of 8 on the face of the judgment of apex Court in the matter of ***Guan Chand Jain and another vs. Permanend and others, 2003 (1) T.A.C. 490 (S.C.)*** decided on 3rd December 2002 in Civil Appeal No.2253/1997 Having heard learned counsel for the parties, perusal of the claim petition filed by the claimants reveals that at the time of filing of the claim petition, the age of Mardam Singh Kunjam was 55 years and age of Smt. Manki Kunjam was 50 years. As per schedule –II appended to the Motor Vehicles Act, in case of persons aged between 50-55 years, multiplier of 11 has to be applied, therefore, looking to the age of the parents/claimants, the learned Tribunal ought to have applied multiplier of 11 instead of 8.	

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

मामला क्रमांक MA (C) - 999/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 4	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
[redacted]	Considering the above factor, we are of the considered opinion that the claimants are entitled for Rs.53,216 x 3 i.e. Rs. 1,59,648/- in addition to the compensation amount already awarded. Accordingly, the appeal is allowed to the above extent. It is ordered that the claimants are entitled to Rs.1,59,648/- in addition to the amount already awarded under the head of loss of dependency. This amount shall carry interest 9 % p.a. from the date of filing of the application. The appeal stands disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**
[redacted] Shyna		